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glyphs are displayed to the user in a side-by-side, or horizontal relation to one another within the plane of the keys. That is, using the standard graphical quadrant definition the upper case glyph is positioned in the first quadrant of the key while the lower case glyph is positioned in the second quadrant. In the embodiment illustrated in FIG. 6, the upper and lower case glyphs are positioned in a diagonal relation with respect to one another. Specifically, the upper case glyph is positioned in the first quadrant of the key while the lower case glyph is positioned in the third quadrant. FIG. 7 illustrates a vertical relation within the plane of the keys between the upper and lower case glyphs wherein the upper case glyph is positioned in the first quadrant of the key while the lower case glyph is positioned in the fourth quadrant.

IN THE CLAIMS:

Please replace the indicated claim with:

A2 Sub C7
16. (Once Amended) The teaching apparatus of claim 15, wherein said layer is adhesively attached on individual keys.

REMARKS

Claims 1-23 were pending in this application. Claim 16 has been amended. Paragraph [0044] of the specification has been amended. No new matter was added by these amendments. Claims 1-23 remain pending in this application, stand rejected and are at issue herein. Reconsideration of claims 1-23 is respectfully solicited.

The Examiner has rejected claims 2-4 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant respectfully submits that this ground of rejection has been overcome in view of the foregoing amendment to the specification and to claim 16. Reconsideration of this ground of rejection in view of the above amendments and following remarks is respectfully solicited.

With regard to claims 2-4, the Examiner has stated that it appears that the applicant is trying to limit the claim with the use of non-claimed subject matter in referring to the printed indicia on the alphabet keys of the keyboard being positioned in the first quadrant of the key.

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The applicant wishes to confirm to the Examiner that this statement is not a limitation of the claim, but merely sets forth a known common structure of the keyboard similar to the recitation of the keyboard itself in the preamble of independent claim 1. The limitation set forth in claims 2-4 relates only to the placement of the lower case letter on the transparent upper surface of the key accommodating structure.

With regard to this limitation of each of these claims, the Examiner has stated that the structural limitations of the second, third and fourth quadrant of the transparent surface of the key accommodating structure cannot be determined thereby rendering the claim indefinite. As indicated in the amended paragraph [0044] above, the applicant has utilized the standard graphical definition of quadrants to indicate an area of placement of the lower case letters. This amended description of paragraph [0044] conforms to this standard definition and merely describes what is already illustrated in the originally filed Figures 5-7. The applicant respectfully submits that in view of this standard definition utilized by the applicant, illustrated in Figs. 5-7, and now specifically discussed in amended paragraph [0044], this ground of rejection with respect to claims 2-4 is overcome.

With regard to claim 16, the Examiner indicated that the structural features encompassed by the phrase "adhesively applied on individual keys" cannot be determined, rendering the claim indefinite. While the applicant respectfully submits that this claim language recites a limitation that is sufficiently definite under 35 U.S.C. §112, second paragraph, the applicant has amended this claim to clarify this limitation. Specifically, the applicant has amended claim 16 to point out with greater particularity that the layer is adhesively attached on individual keys. In view of this amendment, the applicant respectfully submits that this ground of rejection is overcome. Reconsideration of this ground of rejection with respect to claim 16 is therefore respectfully solicited.

The Examiner has rejected claims 11, 14-16, 18, and 20-23 under 35 U.S.C. §102(e) as being anticipated by Nichol. However, in the description of this ground of rejection, the Examiner cites to pictures in the advertisement in the Educational Resources, Fall 2000 catalog, page 26, Reading Readiness Keyboard Cover. To clarify this ground of rejection, the applicant's attorney spoke with the Examiner on February 13, 2002, via telephone. It was agreed during the telephonic conversation that the rejection of claims 11, 14-16, 18, and 20-23 should be under 35 U.S.C. §102(a) over the advertisement in the Educational Resources, Fall 2000 catalog, page 26,

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Reading Readiness Keyboard Cover, and not under 35 U.S.C. §102(e) over the Nichol patent referred to therein.

With the clarification of the rejection in place, the applicant contacted Ms. Sharon Segall, Marketing Director, Educational Resources to determine a date of publication of the Educational Resources, Fall 2000 catalog from which the cited page 26 had come. Ms. Segall indicated that the first date of mailing of the Fall 2000 Educational Resources catalog was August 19, 2000. Ms. Segall indicated that this date corresponds to the bulk mailing date of the Fall 2000 catalog. To support this date, Ms. Segall provided the applicant with a copy of the Postal Service Statement of Mailing for the Fall 2000 catalog, a copy of which is included herewith as Exhibit A. While the applicant recognizes that the date that a publication becomes available as prior art is that of its receipt by a member of the public, not the date it was mailed, as specified in MPEP §2128.02 (citing *In re Schlittler*, 234 F2d 882, 110 USPQ 304 (CCPA 1956)), for purposes of the antedating Declaration under 37 C.F.R. 1.131 discussed below, the applicant will refer to this date of mailing even though such date is necessarily earlier in time than any actual date on which this reference could have been received by any member of the public. However, reference to such mailing date should not be taken as an admission that this reference actually became available as prior art on such date.

In view of this clarification that the rejection of claims 11, 14-16, 18, and 20-23 is under 35 U.S.C. §102(a) as being anticipated by the Educational Resources advertisement, the applicant submits herewith a Declaration under 37 C.F.R. 1.131 and three supporting Declarations to remove the Educational Resources, Fall 2000 catalog as a reference against this application. In view of these Declarations under 37 C.F.R. 1.131, the applicant respectfully submits that this ground of rejection should be removed and that claims 11, 14-16, 18, and 20-23 are in condition for allowance. Reconsideration and allowance of claims 11, 14-16, 18, and 20-23 are therefore respectfully solicited.

The Examiner has also rejected claims 1-7, 10, 17, and 19 under 35 U.S.C. §103(a) as being unpatentable over Nichol in view of Nopper. However, the citations to Nichol are also to the pictures in the advertisement in the Educational Resources, Fall 2000 catalog, page 26, Reading Readiness Keyboard Cover. As was discussed with the Examiner in the telephonic conversation on February 13, 2002, this citation to Nichol should actually be to the advertisement in the Educational Resources Fall 2000 catalog, page 26, Reading Readiness Keyboard Cover, and not the Nichol patent referred to therein.

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In view of this clarification, the applicant respectfully submits that this ground of rejection is overcome through the submission of the Declarations under 37 C.F.R. 1.131, which remove this catalog as a reference. Reconsideration and allowance of claims 1-7, 10, 17, and 19 are therefore respectfully solicited.

The Examiner has also rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Nichol and Nopper as stated above, and in view of Tsai. However, with the clarification of the ground of rejection above, the applicant respectfully submits that this ground of rejection has been overcome through the submission of the Declarations under 37 C.F.R. 1.131. Reconsideration and allowance of claims 8 and 9 are therefore respectfully solicited.

The Examiner has also rejected claims 12-13 under 35 U.S.C. §103(a) as being unpatentable over Nichol. Once again, the applicant respectfully submits that this ground of rejection has been overcome in view of the above clarification of this ground of rejection and the submission of the Declarations under 35 C.F.R. 1.131. Reconsideration and allowance of claims 12 and 13 are respectfully solicited.

CONCLUSION:

In view of the above amendments and the enclosed Declarations under 37 C.F.R. 1.131, the applicant respectfully submits that claims 1-23 stand in condition for allowance. Indication of the allowability of the present application as amended at an early date is respectfully solicited.

If the Examiner believes that a telephonic conversation will aid in the resolution of any issues not resolved herein, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,

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Date: May 6, 2002

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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, BOX NON FEE AMENDMENT, Washington, D.C. 20231.

Date: May 6, 2002

Melissa Goodrich